ence." *Shea* v. *Vialpando*, 416 U. S., at 254. If § 407 (b)(2) had been intended to fit smoothly into the AFDC program, then assistance payments should be *reduced* by the amount of unemployment compensation received by a father; this much the federal appellants concede.[10] But Congress has expressly provided otherwise: receipt of unemployment compensation results in *termination* of AFDC benefits. The appellants are simply incorrect when they characterize their construction of § 407 (b)(2)(C)(ii) as consistent with the overall pattern of the AFDC program while assailing the District Court's interpretation as fundamentally disruptive; the fact of the matter is that neither construction is harmonious with the program's general approach to income and resources.

Appellants contend that the legislative history of the Social Security Amendments of 1968 support their position that "an unemployed father would be required to exhaust the unemployment compensation resource" before becoming entitled to receive AFDC assistance.[11] They rely upon a statement in the Conference Report as proof that when Congress used the term "receives" in § 407 (b)(2)(C)(ii) it intended to include within that

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[10] Brief for Appellant Weinberger, at 19 n. 6.

[11] Brief for Appellant Weinberger, at 21. The Government concedes that Congress did not intend AFDC assistance to be terminated immediately upon a father's eligibility for unemployment compensation. Congress recognized that there was a delay between application for unemployment compensation and receipt of the first check. During this period, even under the Government's construction, AFDC assistance is available. The Government's position is that a person who is eligible for unemployment compensation must take the steps necessary to receive such payments and, upon receipt, AFDC terminates. A father may not, in the Government's opinion, decline unemployment compensation or refuse to apply for such compensation when he is eligible. Brief for Appellant Weinberger, at 16–17, n. 4.

term persons who were eligible to receive unemployment compensation:

> "Section 407 of the Social Security Act, as amended by section 203 (a) of the House bill, defined an unemployed father (for purposes of determining the eligibility of his children for AFDC) so as to exclude fathers who do not have 6 or more quarters of work in any 13-calendar-quarter period ending within one year prior to the application for aid, and fathers who receive (*or are qualified to receive*) any unemployment compensation under State law.
>
> "The Senate amendments removed these exclusions, and restored the provision of present law under which a State may at its option wholly or partly deny AFDC for any month where the father receives unemployment compensation during the month. . . .
>
> "The Senate recedes . . . ." H. R. Rep. No. 1030, 90th Cong., 1st Sess., 57 (1967) (emphasis added).

We have carefully reviewed the context of that statement in view of the positions of the House and Senate on § 407, and we agree with appellees that the above-quoted language is ambiguous at best. It seems more likely that the Conference Committee was referring to § 407 (b)(1)(C) of the Act [12] than to § 407 (b)(2)(C)

[12] Section 407 (b)(1) of the Act, 42 U. S. C. § 607 (b)(1):

"(b) The provisions of subsection (a) of this section shall be applicable to a State if the State's plan approved under section 602 of this title—

"(1) requires the payment of aid to families with dependent children with respect to a dependent child as defined in subsection (a) in this section when—

"(A) such a child's father has not been employed (as determined in accordance with standards prescribed by the Secretary) for at least 30 days prior to the receipt of such aid,

"(B) such father has not without good cause, within such period

(ii). Although both Houses of Congress agreed in 1968 that a federal definition of unemployment was necessary, they disagreed about the considerations that should be embodied in that definition. The House sought to limit participation under the unemployed father provision to fathers who had "a substantial connection with the work force." H. R. Rep. No. 544, 90th Cong., 1st Sess., 17 (1967).

> "[I]t is the intent of your committee to exclude from the program those fathers who have not been in the labor force, or whose attachment to the labor force has been casual." *Id.*, at 108.

Although the Senate and the Administration did not favor requiring a substantial connection with the work force as a condition for inclusion under the unemployed father program,[13] the House version prevailed at Conference. In implementing the House standard, Congress demonstrated an awareness of the difference between receipt of unemployment benefits and eligibility for such benefits. In defining the requisite prior attachment to

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(of not less than 30 days) as may be prescribed by the Secretary, refused a bona fide offer of employment or training for employment, and

"(C)(i) such father has 6 or more quarters of work (as defined in subsection (d)(1) of this section) in any 13-calendar-quarter period ending within one year prior to the application for such aid or (ii) he received unemployment compensation under an unemployment compensation law of a State or of the United States, or he was qualified (within the meaning of subsection (d)(3) of this section) for unemployment compensation under the unemployment compensation law of the State, within one year prior to the application for such aid;"

[13] S. Rep. No. 744, *supra*, at 28; Statement of Undersecretary Cohen, *supra*, n. 6, at 269.

the employment market, Congress included fathers who had

> "6 or more quarters of work . . . in any 13-calendar-quarter period ending within one year prior to the application for such aid or (ii) . . . received unemployment compensation under an unemployment compensation law of a State or of the United States, or he was qualified (within the meaning of subsection (d)(3) of this section) for unemployment compensation . . . , within one year prior to the application for such aid." § 407 (b)(1)(C) of the Act, 42 U. S. C. § 607 (b)(1)(C).[14]

That Congress was not quite as discriminating in § 407 (b)(2)(C)(ii) conveys a good deal about its intent. It seems to us that the section from the Conference Report relied upon by appellants probably was directed to § 407 (b)(1)(C)(ii) rather than to the section at issue in these appeals.

The District Court correctly concluded "that a family eligible for ANFC benefits under section 607 can be excluded only for each week in which unemployment compensation is actually received by the father." 368 F. Supp., at 217. If, as appellants contend, § 407 (b)(2)

[14] Section 407 (d)(3) of the Act, 42 U. S. C. § 607 (d)(3):
"(d) For purposes of this section—

. . . . . .

"(3) an individual shall be deemed qualified for unemployment compensation under the State's unemployment compensation law if—

"(A) he would have been eligible to receive such unemployment compensation upon filing application, or

"(B) he performed work not covered under such law and such work, if it had been covered, would (together with any covered work he performed) have made him eligible to receive such unemployment compensation upon filing application."

(C)(ii) is inconsistent with the general scheme of the AFDC program or works to shift costs from the private to the public sector in contravention of prudent resource management, it is the legislative branch to which appeals for modification must be directed.

With the federal standard of eligibility thus understood, it is apparent that the Vermont definition of "unemployed father," which has been applied to exclude unemployed fathers who are eligible for unemployment compensation, conflicts with § 407 (b)(2)(C)(ii). Vermont "may not deny aid to persons who come within it in the absence of a clear indication that Congress meant the coverage to be optional." *Burns* v. *Alcala*, 420 U. S., at —; *King* v. *Smith*, 392 U. S. 309 (1968); *Townsend* v. *Swank*, 404 U. S. 282 (1971); *Carleson* v. *Remillard*, 406 U. S. 598 (1972). See also *New York State Dept. of Social Services* v. *Dublino*, 413 U. S. 405, 421–422 (1973). An important purpose of the 1968 amendments was to eliminate the variations in state definitions of unemployment, see n. 6, *supra*, and the Congress twice turned back attempts by the Senate to restore to States discretion in the coverage of the program. In these circumstances we find that Congress did not intend the coverage of § 407 to be optional once a State elected to participate. That portion of the judgment appealed from in No. 73–1820 is affirmed.

III

The District Court held that 28 U. S. C. § 1343 (3) afforded jurisdiction over the Secretary under principles of pendent jurisdiction. We have previously characterized this question as "subtle and complex . . . with far-reaching implications." *Moor* v. *County of Alameda*, 411 U. S. 693, 715 (1973). See also *Christian* v. *New York Department of Labor*, 414 U. S. 614, 617 n. 3 (1974). This issue is the first of the "Questions

Presented" in the Secretary's brief on the merits, but while the section of that brief devoted to argument does characterize the issue as "difficult and complex," it concludes that we need not decide the question. The Secretary reasons that if we rule in his favor on the merits of the statutory question, which he presents as the second question presented by this appeal and which is identical to the question presented by appellant Philbrook, the case should be remanded so that the District Court may decide appellees' constitutional challenges to the statute as herein construed; in that event the Secretary advises that "the government intends to end the jurisdictional controversy by filing a motion to intervene." Brief for Appellant Weinberger, at 13. On the other hand, the Secretary tells us that if we agree with the District Court and disagree with him on the merits of the statutory question, as to which jurisdiction over the state defendant was properly invoked, "the jurisdictional question with respect to the Secretary would become inconsequential since the Secretary as well as the State would, of course, administer the statute in accordance with this Court's interpretation." *Ibid.*

We do not believe that the Secretary's treatment of his role in this appeal, which seems cast more in terms of an *amicus curiae* than as a party challenging jurisdiction, provides an acceptable resolution of this question. The Secretary's representation that he intends to abide by this Court's construction of the statute on the State's appeal does not in any strict sense of the word render moot the dispute between him and appellees. We are left therefore with a "subtle and complex question with far-reaching implications" going to the jurisdiction of the District Court over the Secretary, which was resolved by the District Court in favor of jurisdiction, but that has been inadequately briefed by the Secretary. Supreme Court Rule 40 (g).

Failure to comply with applicable Rules of this Court may result in the dismissal of an appeal of the defaulting party. *Sweezy* v. *New Hampshire*, 354 U. S. 234, 236 (1957); *Slagle* v. *Ohio*, 366 U. S. 259, 264 (1961); *Raley* v. *Ohio*, 360 U. S. 423, 435 (1959). Our only hesitancy in applying this principle to the Government's appeal arises because the issue goes to the jurisdiction of the District Court over the federal party, and we have repeatedly held that we must take note of want of jurisdiction in the District Court even though neither party has raised the point. *Cutler* v. *Rae*, 7 How. 729, 731 (1849); *Mitchell* v. *Maurer*, 293 U. S. 237, 244 (1934); *Clark* v. *Gray Inc.*, 306 U. S. 583, 588 (1939).

Application of the general rule that this Court has a duty to inquire into the jurisdiction of the District Court would require that we address a complex question of federal jurisdiction notwithstanding the absence of substantial aid from the briefs of either of the parties. We believe, however, that the unusual context in which this appeal comes to us permits an exception to this general rule. Here the substantive issue decided by the District Court would have been decided by that court even if it had concluded that the Secretary was not properly a party to the suit, since appellant Philbrook was clearly a proper party under 28 U. S. C. § 1343 and the statutory issues raised by appellees' claim against Philbrook were indistinguishable from those raised by their claim against the Secretary. Thus the only practical difference that resulted from the District Court's assumption of jurisdiction over the Secretary was that its injunction was directed against him as well as against appellant Philbrook. But the Secretary has announced, in his brief to this Court, that in the event the decision of the District Court on the statutory issue is affirmed, he intends to comply with it. The exercise of the District

Court's jurisdiction over the Secretary in this case, therefore, has resulted in no adjudication on the merits that could not have been just as properly made without the Secretary, and has resulted in no issuance of process against the Secretary which he has properly contended to be wrongful before this Court.

The Secretary's appeal from the judgment in No. 74–132 is, therefore, dismissed.

*It is so ordered.*